

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon
KML LAW GROUP, P.C.
216 Haddon Avenue, Ste. 406
Westmont, NJ 08108
Specialized Loan Servicing LLC, as servicer for
Deutsche Bank National Trust Company, as Trustee
for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-
AR10 Under the Pooling and Servicing Agreement
Dated September 1, 2004

In Re:
Avella, Francis D., aka Frank Avella



**Order Filed on September 13, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey**

Case No: 15-25736 VFP

Chapter: 13

Hearing Date: September 7, 2017

Judge: Vincent F. Papalia

ORDER VACATING STAY

The relief set forth on the following page is hereby ordered **ORDERED**.

DATED: September 13, 2017



**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Upon the motion of Specialized Loan Servicing LLC, as servicer for Deutsche Bank National

Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-

Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated September 1, 2004, under

Bankruptcy Code section 362(a) for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant, to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real Property More Fully Described as:

**Land and premises commonly known as Lot 2929a, 293a, 294a, Block 138, 4306
Newkirk Ave, North Bergen NJ 07047**

☐ Personal Property More Fully Describes as:

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject Mortgage and pursue its State Court remedies including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the Property at Sheriff's Sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the Property.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

rev. 7/12/16

Imaged Certificate of Notice Page 3 of 3

United States Bankruptcy Court
District of New JerseyIn re:
Francis D Avella
DebtorCase No. 15-25736-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 16, 2017.

db +Francis D Avella, 4306 Newkirk Avenue, North Bergen, NJ 07047-2710

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 16, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 14, 2017 at the address(es) listed below:

Andrew M. Lubin on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Andrew M. Lubin on behalf of Creditor Select Portfolio Servicing, Inc. as servicing agent for The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pa bkecf@milsteadlaw.com, alubin@milsteadlaw.com

Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com

Frank J. Martone on behalf of Creditor PNC BANK, N.A. bky@martonelaw.com

Herbert B. Raymond on behalf of Debtor Francis D Avella bankruptcy123@comcast.net, jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@comcast.net; herbertraymond@gmail.com; carbonell_c@hotmail.com; kdelyon.raymond@gmail.com

John M. Sommers on behalf of Creditor Amalgamated Bank JMSommers@KTLBSLAW.com, ktlbslaw@aol.com

Marie-Ann Greenberg magecf@magtrustee.com

Matthew C. Waldt on behalf of Creditor Select Portfolio Servicing, Inc. mwaldt@milsteadlaw.com

Sean M. O'Brien on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 sobrien@flwlaw.com

TOTAL: 9